

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America
v.
EUGENE DYKES

Case No.

14-586-M
FILED
JUN 06 2014

MICHAEL KUNZ Clerk
D. J. [Signature] Pop. Clerk

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 17, 2013 in the county of PHILADELPHIA in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. Sections 111(a)(1) and
(b)


Offense Description

On or about October 17, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant, EUGENE DYKES knowingly and by means and use of a dangerous weapon, that is, a motor vehicle, did forcibly assault, resist, oppose, impede, intimidate, and interfere with Tim Stevenson, Deputy United States Marshal, United States Marshals Service, while he was engaged in his official duties. In violation of Title 18 United States Code, Sections 111(a)(1), (b).

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.



Complainant's signature

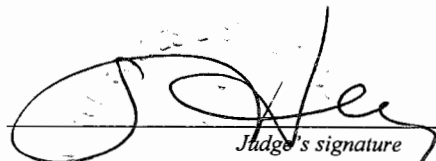
David E. Carter, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/06/2014

City and state: Philadelphia, PA



Judge's signature

Elizabeth T. Hey, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

14-586-M

I, David E. Carter, being duly sworn, deposes and states the following:

1. I am employed as a Special Agent of the Federal Bureau of Investigation ("FBI") in Philadelphia, Pennsylvania, where I have been employed as a special agent since January 2005. Before then, I was employed as a Maryland State Trooper from July 2000 until January 2005. I am presently assigned to the FBI's Philadelphia Division Violent Crimes Task Force, which investigates kidnappings, Hobbs Act violations, such as armed robberies of commercial businesses and armored carriers, bank robberies, assaults of federal officers, convicted felons in possession of firearms, and fugitives.

2. I submit this affidavit in support of an application for a complaint and warrant to arrest EUGENE DYKES (date of birth: October 12, 1986) for the following violation:

- (a) Assaulting United States Marshal's Service Task Force Officer Timothy Stevenson who is an official of the United States, in violation of Title 18, United States Code, Section 111(a)(1) and (b), which states:

"Whoever forcibly assaults, resists opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties...shall . . . where such acts involve physical contact with the victim of that assault or the intent to commit another felony, be fined under this title or imprisoned not more than 8 years, or both."

(b) Enhanced penalty.--Whoever, in the commission of any acts described in subsection (a), uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

3. This affidavit is based upon evidence obtained in the course of joint federal and state investigation into the activities of EUGENE DYKES on October 17, 2013, including, but not limited to, my personal knowledge, my review of documents, knowledge obtained from other law enforcement officials, and communications with others who have personal knowledge of the events and circumstances described below. This affidavit does not set forth each and every fact learned by me or other agents during the course of this investigation.

4. Pennsylvania State Parole Agent Sean Finegan is assigned to the United States Marshal Service (USMS) Fugitive Task Force as a deputized Deputy United States Marshal (DUSM). Agent Finegan was the lead investigator in the fugitive case of EUGENE DYKES. In October 2013, DYKES was wanted in the Commonwealth of Pennsylvania for state parole violations, in addition to an arrest warrant for aggravated assault. Pennsylvania State Parole Agent Timothy Stevenson is also assigned to the United States Marshal Service (USMS) Fugitive Task Force as a deputized Deputy United States Marshal (DUSM), and was working on this fugitive case with Agent Finegan.

5. Agent Finegan received information that on October 17, 2013, DYKES would be dropping off his girlfriend at her job at the Chart House Restaurant, 555 South Columbus Boulevard, Philadelphia, Pennsylvania. Agent Finegan also learned that DYKES drove a white Buick Regal sedan.

6. Subsequently, Agent Finegan developed a plan to establish surveillance on the Chart House parking lot which included a plan to arrest DYKES if entered the parking lot. Agent Finegan briefed other participating DUSMs who would be participating in DYKES's arrest.

7. On October 17, 2013:

(a) At approximately 4:55p.m., DUSMs and other law enforcement officials went to 555 South Columbus Boulevard and established a perimeter surveillance. They used three unmarked vehicles to establish the surveillance. Soon afterwards, officials observed DYKES driving a white Buick Regal northbound on Columbus Boulevard. DYKES drove the Buick at a high rate of speed into the parking lot of the Chart House. DYKES cut across the parking lot and stopped the vehicle just short of the entrance of the Chart House.

(b) The DUSMs moved their vehicles into position and initiated their arrest plan. The DUSMs drove one vehicle up to the front bumper of the Buick that DYKES was driving and parked it there, thus blocking the front of DYKES's vehicle. A second DUSM pulled up to the rear of the Buick, blocking the rear of DYKES's vehicle.


(c) After DYKES's vehicle was contained, several DUSMs walked up to it, identified themselves as law enforcement, and gave DYKES verbal commands, "police, let me see your hands." Agent Stevenson moved to the driver's door and opened the door in an effort to extract DYKES from the driver seat. Instead of complying with law enforcement commands, DYKES shifted the vehicle into reverse and violently drove the Buick rearward at a high rate of speed. The Buick struck Agent Stevenson and pushed him backwards, dragging him the length

of the car. As a result DYKES's actions, Agent Stevenson was pinned between the rear blocking vehicle and DYKES's Buick.

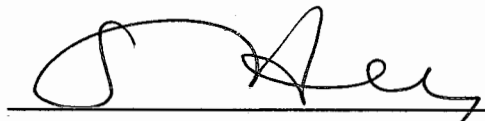
(d) When a DUSM observed Agent Stevenson being crushed by DYKES's vehicle, the DUSM discharged his firearm at DYKES, who received several gunshot wounds. As a result of his wounds, DYKES was no longer able to operate the Buick. DYKES was then immediately arrested, and transported from the scene to the hospital for medical treatment.

8. During the time of the arrest, all of the law enforcement officers were wearing their badges prominently displayed and/or a raid jacket with the words "US Marshal" also prominently displayed.

WHEREFORE, based upon these facts, there is probable cause to support the issuance of a criminal complaint charging EUGENE DYKES with assaulting United States Marshal Task Force Officer Timothy Stevenson on or about October 17, 2013, in violation of Title 18, United States Code, Sections 111(a)(1) and (b).


DAVID E. CARTER
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me
this 6th day of June, 2014.


HONORABLE ELIZABETH T. HEY
United States Magistrate Judge